IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 4548 of 2007(N)

PETITIONERS:
----

1. **SARATHCHANDRAN,S/O.GANGADHARAN,AGED 48 YEARS,ANEPPIL,MUNDALUMMOODU,PUNNTHALA,KOLLAM-12.**

2. **MOHANRAM,S/O.GANGADHARAN,AGED 52 YEARS, ANEPPIL,MUNDALUMMOODU,PUNNTHALA,KOLLAM-12.**

3. **KRISHNA KUMAR,S/O.GANGADHARAN,AGED 50 YEARS,ANEPPIL,MUNDALUMMOODU,PUNNTHALA,KOLLAM-12.**

4. **YOGARAJAN,S/O.GANGADHARAN,AGED 55 YEARS, ANEPPIL,MUNDALUMMOODU,PUNNTHALA,KOLLAM-12.**

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:
----

1. **STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **KOLLAM CORPORATION,REPRESENTED BY ITS SECRETARY,KOLLAM CORPORATION,KOLLAM.**

3. **THE CIRCLE INSPECTOR OF POLICE,KOLLAM WEST,KOLLAM.**

4. **THE SUB INSPECTOR OF POLICE,KOLLAM WEST KOLLAM.**

5. **THE TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY,TRAVANCORE DEVASWOM BOARD,THIRUVANANTHAPURAM.**

6. N.CHANDRASEKHARA PILLAI,MANGALATH VEEDU,
THIRUMULLVARAM,KOLLAM-12.

7. D.HARIDASAN,KAVANADU VEEDU,
THIRUMULLAVARAM,KOLLAM-12.

R5 BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, TDB
SC FOR KOLLAM CORPORATION
R6 & R7 BY SRI.PRATHEESH.P
GOVERNMENT PLEADER SMT. K. MEERA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag.C.J. & M.N. KRISHNAN, J.

= = = = = == = = = = = = = = = = = = = = =

W.P.C. NO 4548 OF 2007

= =

Dated this the 13th day of March, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

This writ petition is filed seeking a writ of mandamus directing respondents 3 and 4 to afford sufficient police protection to the petitioners to construct compound walls to their properties in accordance with Exts.P1 to P4 building permits, from the unlawful obstructions caused by respondents 6 and 7 and their associates. We find that respondents 6 and 7 have filed a suit O.S.876/06 before the Munsiff Court, Kollam claiming easement right and also an injunction and the suit is pending. Since the matter is pending before the civil Court, this Court is not justified in giving a direction to the respondents. All the same, the petitioners, if so advised, may move the Civil Court for appropriate reliefs. Writ petition is disposed of without prejudice to the rights of the parties, to approach the civil Court.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

ul/-